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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,405	10/20/2003	Sung Tai Jung	02598/0200138-US0	5945

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EXAMINER

STEIN, JULIE E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,405

Applicant(s)

JUNG ET AL.

Examiner

Julie E. Stein, Esq.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 13-54 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Election/Restrictions

2. Applicant's election with traverse of claims 1-12 in the reply filed on 1/12/06 is acknowledged. The traversal is on the ground(s) that a search of group I would necessarily include a search for groups II and III as they are in the same class and subclass. This is not found persuasive because while the inventions are classified in the same class and subclass the inventions do not require the same search. For example, the search conducted for group I did not require a search for a "sliding unit" that generates "a friction force," as claimed in group II or for a motor that "overload(s)," as claimed in group III.

3. As to the statement that groups I and II are subcombinations disclosed as usable together in a single combination, Applicant is correct that they are not subcombinations.

4. However, inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the recited

"friction force" could be a spring instead of the rack and pinion, as claimed in claim 1 of group I. The subcombination has separate utility such as a sliding cellular phone with a spring (elastic member) supporting the motor, as recited in claim 1 of group I.

Therefore, the requirement is still deemed proper and is therefore made FINAL.

5. This application contains claims 13-54 drawn to an invention nonelected with traverse in Paper No. 12-12-05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Priority

6. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Objections

7. This application is in condition for allowance except for the following formal matters:

Claims 5 and 6 are objected to because of the following informalities: in both claims the shape of the grooves should be described in *words* not in ""s. Also, the groove is not "of the cellular phone" but "corresponding to the projection of the male cam" as recited in claim 4. Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Allowable Subject Matter

8. Claims 1-12 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter: The independent claim recites a cellular phone, comprising: a first main body having a motor with a shaft, an elastic member elastically supporting the motor, and a switch activating the motor; a power transmitting unit coupled to the shaft of the motor to receive a rotation power from the motor; a pinion coupled to the power transmitting unit to be rotated by the rotation power; a second main body slidably coupled to the first main body, having a rack coupled to the pinion, and sliding with respect to the first main body according to movements of the pinion and the rack; and a sliding detecting unit detecting a termination of a sliding operation of the second main body to control the motor.

10. The closest prior art appears to be three U.S. Patents. The first U.S. Patent is U.S. Patent No. 6,993,128 to Eromaki, which teaches a slideable mobile phone having a body and a slideable cover. See column 3, lines 35 to 43. The slideable cover is moved via a rotatable toothed wheel CW1 that contacts a track and engages teeth within the track. See column 3, lines 43 to 52. The slideable cover is driven by a driving system shown in Figure 4 that includes an electrical motor, a gear, an axle and a friction wheel. See column 4, lines 22 to 34.

11. The second U.S. Patent is U.S. Patent No. 6,748,249 to Eromaki et al., which teaches a slideable mobile phone having two sliding covers. See column 3, lines 35 to

51. Figure 3 shows one mechanism that may be used to move the sliding covers, it includes a cogwheel and a gear rack.

12. The final U.S. Patent is U.S. Patent No. 6,980,840 to Kim et al., which teaches another slideable cellular phone as shown in Figure 8. In addition, element 11, is a switch for controlling the sliding of the cellular phone. See column 6, lines 9 to 20. Also, Figures 13 to 15 and the corresponding description show various types of closing members.

13. However, none of the cited prior art teaches an elastic member supporting the motor as recited in independent claim 1 and in view of Applicant's specification, such as Figure 5. But, U.S. Patent Application Publication No. 2003/0227564 to Lim does teach a rotational motor with a shaft having an elastic member elastically supporting the motor and a male and female cam (currently dependent claims 3-6) coupled to the shaft (see, Lim, Figure 4) and appears to be the closest prior art for this claimed element. However, as this publication is assigned to Samsung Electro-Mechanics Co., LTD., which is the same company as the one who owns the rights to this application, a rejection under 35 USC 103 is inappropriate. Therefore, claims 1-12 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JES

JES

George Eng
GEORGE ENG
SUPERVISORY PATENT EXAMINER